

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KEVIN NORRIS,)	
petitioner,)	
)	
V.)	C.A. No.05-11353-MLW
)	
STEVEN O'BRIEN,)	
respondent,)	

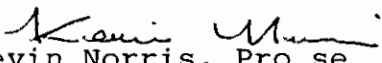
PETITIONERS MOTION FOR ALLOWANCE

Now Comes the Petitioner Kevin Norris, and respectfully moves this Honorable Court for Allowance of his Motion/request for a Oral Arguement hearing.

As grounds therefore, the petitioner states that the respondent did not address or challenge his contentions that in Habeas Corpus proceedings, a petitioner is entitled to a hearing in person before the district court, See Albert Ex rel. Buice V. Patterson, 155 F.2d 429 (C.A. 1 Mass. 1946); Walker V. Johnston, 312 US 275, 287 (1981). Furthermore, the petitioners motion for Reconsideration averred that Rule 12(b)(6) motions were improper in Habeas Corpus petitions, this legal position was also not challeged by the respondents.

As such, the petitioner requests that the Court allow his request for a oral Arguement hearing and that the Court rule on the merits of his claims, since Rule 12(b)(6) does not pertain to habeas corpus proceedings, See Browder V. Director, of Corrections, 434 U.S. 257 (1978); Ukawabutu V. Morton, 997 F.Supp. 605 (NJ, 1998).

Respectfully Submitted


Kevin Norris, Pro se
30 Administration Road
Bridgewater, MA 02324

Dated: April 21, 2007

CERTIFICATE OF SERVICE

I, Kevin Norris, do hereby certify that a true copy of the enclosed documents were served upon Asst. attorney general Jonathan Ofilos, on April 21, 2007, via depositing a copy in the prison mail box.

Kevin Norris